

Washington County Land Use Authority Meeting
February 14, 2012
(Recording available)

The Washington County Land Use Authority Meeting was held Tuesday, February 14, 2012 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened at 1:30 p.m. by Chairman Doug Wilson.

Commissioners present: Dave Everett, Deborah Christopher, Mike Stucki, Kim Ford, JoAnn Balen, and Rick Jones.

Excused: Julie Cropper (alternate).

Staff present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer; Rachelle Ehlert, Deputy Attorney; Doreen Bowers-Irons, Planning Secretary; Gavin Joaquin and Dane Parker, I.T.

Audience attendance: John Willie, Margaret Gibson, Dick Duesberg, Manny Hernandez, and Gill Fife.

Chairman Wilson welcomed and thanked everyone for attending. He led the Pledge of Allegiance, after which, he explained meeting protocol.

I. STAFF COMMENTS. Review staff comments for each agenda item listed; Staff initiated.

II. CONDITIONAL USE PERMIT EXTENSION. Review extension to operate a gravel crusher within the OST-20 Zone, Section 16, T42S, R14W, SLB&M, generally located ¼ mile east of the Washington County Landfill; Dee Atkins, landowner/Western Rock Products, applicant.

The planner showed a map of the area and stated this is the 4th extension, with mining and mineral development being conditionally approved within the OST-20 zone (*County Code 10-6A-3*). As reviewed previously, this is an area east of the County Landfill. Sanitation and water needs for dust control have been addressed. This area is to be leased by Western Rock and their initial crushing operation is within the M-1 zone, which is less than one mile to the south of this location. The commission addressed operating hours, number of haul trucks, and provisions for reclamation of mining and mineral development. The applicant is in contact with MSHA and EPA on portable crushing and screening equipment that will be reviewed and monitored when it is in place. The documentation will need to be provided to the County to have on file. All trucks are required to be covered with a tarp as per UDOT regulations.

Commissioner Stucki stated during the meeting last year, the applicants indicated the crusher had been moved off site. He then asked if it was back. The planner answered to her knowledge the crusher had not been moved back. When the crusher is brought back the applicants shall bring in their papers from the State for the files.

Gill Fife, representing Western Rock, stated the crusher is not on site. They crushed a lot of material about 5 years ago and stock piled it. Because of the economy, it has not been selling very fast. Therefore, they are holding the product and selling it as they can. When the economy picks back up, or when they are low on materials, they will bring the crusher back to crush and resupply materials. At that time, they will provide the documentation to the County. They would like to keep the Conditional Use Permit active.

Motion: Commissioner Stucki **MOVED** to recommend the County Commission approve the Conditional Use Permit Extension to operate a gravel crusher within the OST-20 Zone, Section 16, T42S, R14W, SLB&M, generally located ¼ mile east of the Washington County Landfill; Dee Atkins, landowner/Western Rock Products, applicant for one (1) year; Commissioner Jones **SECONDED**. The Motion carried with all six (6) Commissioners voting in favor.

This item will go before the County Commission on February 21, 2012 for consent.

III. CONDITIONAL USE PERMIT EXTENSION. Review extension for the Lake to Lake Team Relay from Gunlock Reservoir to Sand Hollow Reservoir, March 3, 2012, sponsored by the City of St. George Recreation; St George City/Aaron Metler, applicant.

The Planner showed the route map. She reported this is an automatic review and the 3rd extension for the “Lake to Lake Team Relay” event, which is scheduled for March 3, 2012. St. George City is the host community for this event, with some of the route being in Washington County, which extends beyond their city limits. This is a one day event that will impact the travel on the Gunlock Road and Highway 91 between 8:00 and 10:00 a.m. As previously reviewed, they have capped the race at 150 teams and only one runner at a time per team. Each team may consist of 5 members. The applicant will review last years event and address any issues that may have come up with the routing, garbage, aid stations, course marking, hours, and rules. The Sheriff’s Office worked with the City on a joint safety plan and they will provide law enforcement services at the run. Again, these types of uses are conditionally approved to make the commission and the public aware of activities and locations.

Aaron Metler provided a handout summarizing last year’s event. He explained how the event would proceed this year, which would be much the same as last. They had 98 teams last year and so far this year they have 110; so they have an increase in teams and runners. He explained penalties the race directors have enacted to ensure no problems come about. He discussed a few of the minor changes that have been done for the race to proceed better, which included additional port-a-potties, signage, traffic control, etc.

Commissioner Christopher asked that as a courtesy, signage be placed on the road going out towards Shivwits the day before, to inform those individuals who live out there and travel that route of the event. Mr. Metler stated they would place some signs out there.

Commissioner Ford asked how the race is run. Mr. Metler explained the race and the handoffs in the race. Each leg of the race is about 4 to 6 miles and there are five legs.

Commissioner Stucki asked about the ambulance service addressed in the packet Mr. Metler handed out. It says to call for ambulance service. This does not seem feasible. Mr. Metler reported ambulances will be on site and on standby in the event they are needed.

Mr. Stucki then commented on the “runners being off course” statement. He asked if there were people at the stations directing runners. Mr. Metler stated there were but there are some trails with turns where someone might make a wrong turn. The trail is marked fairly well, we are trying to make sure nothing goes wrong and everyone is safe.

Motion: Commissioner Christopher MOVED to recommend the County Commission approve the Conditional Use Permit Extension of the Lake to Lake Team Relay event from Gunlock Reservoir to Sand Hollow Reservoir, March 3, 2012 sponsored by the City of St. George Recreation; St. George City/Aaron Melter, applicant, for one (1) year; Commissioner Ford SECONDED. The motion carried with all six (6) Commissioners voting in favor.

This item will go before the County Commission on February 21, 2012 for consent.

IV. CONDITIONAL USE PERMIT EXTENSION. Review permit extension for a charity event for the New Harmony Fire Mud Run to be held on June 23, 2012; races include a 10Km, 5Km, or 1.5Km youth race beginning at Old Highway 91 bridge in Kolob Mountains Ranches Subdivision; Manuel “Manny” Hernandez, agent.

The planner showed a route map and plan outline. She reported this would be the 2nd extension for this event. Manuel “Manny” Hernandez, the new director over the mud run, has sent in the proposal and plan outline of the

HVVFA 2012 Mud Run. This event will be held on June 2, 2012. The event will start and finish on Old Highway 91, adjacent to the temporary helicopter LZ opposite the reservoir at the Kolob Mountain Ranch subdivision. The "Mud Run" will be a series of races designed to challenge the individual or teams to race using military style obstacles. This would include the scaling of walls, culvert pipe crawls, hay bale barricades, and mud pits. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application (*County Code 10-18-2 (amended 2008)*). The proposal and plan outline addresses an emergency service plan, parking, transport, and road closure, which will need to be reviewed by the Public Works Department. The plan also addresses refuse and port-a-potties. The applicant has been asked to contact the Sheriff's Office for review of services. In addition, once the race leaves the pavement, there may be approximately 1 mile of BLM land that would be used. Staff has asked the agent to review the application with BLM. An updated liability insurance policy listing Washington County as a beneficiary will need to be submitted to the County.

Chairman Wilson asked if the event was held on the county road or on BLM ground. The planner answered it was on Old Highway 91 and a portion of BLM land.

Todd Edwards reported on a small problem he would like to have addressed. He asked that instead of painting the markings on the pavement leaving a permanent mark could signage or chalk be used instead of the paint. The applicants agreed to not use paint.

Commissioner Christopher asked if there were an alternate route in the event of problems. Dick Duesberg answered they have had alternate routes in the past due to water in Ash Creek. The answer to the questions is yes; they do have alternate routes and as the event gets closer they will know which route will be utilized.

Manuel "Manny" Hernandez and Dick Duesberg representing the event advised the commission of how the event would take place. They explained that the main purpose of this event is to raise funds for firefighting equipment not provided for by public funding or grants. Mr. Duesberg explained how mud runs came about, noting it comes from military training. It is an obstacle course. They explained the event in detail.

Commissioner Balen asked how many participants were there last year. Mr. Duesberg stated there were 250 last year and the first year there were 215. They expect more entrants this year. Men, women, and children all get involved in the event.

Commissioner Stucki asked if scouts get involved. Mr. Duesberg stated they do. Mr. Hernandez reported that the fire and police explorers also get involved and both groups help with coordination of the crowds, and work in various areas where help is needed.

A few minor questions and answers regarding the event occurred. Commissioner Stucki stated he had concerns of public roads being closed that the commission was unaware of and wanted to make sure the county knew of the closures. A short discussion on the roads that would be utilized occurred where the applicants indicated the majority of the event was on private ground and would not greatly impact county roads. Commissioner Stucki stated if it were on other county roads the County should be advised of those roads in order to ensure safety.

Motion: Commissioner Balen MOVED to recommend the County Commission approve the Conditional Use Permit Extension for a charity event for New Harmony Fire Mud Run to be held on June 23, 2012; races to include a 10K, 5K, and 1.5K for youth, beginning at Old Highway 19 bridge in Kolob Mountain Ranches Subdivision; Manuel "Manny" Hernandez agent. Commissioner Ford SECONDED. The motion carried with all six (6) Commissioners voting in favor.

This item will go before the County Commission on February 21, 2012 for consent.

V. CONDITIONAL USE PERMIT EXTENSION. Review extension of permit for a charity ride “Tour de St. George” spring event to be held on April 14, 2012 and the fall event on October 2, 2012. The route will loop from St. George up Highway 18 to Veyo then back via the road from Veyo to Gunlock and Highway 91 back to St. George; Spin Geeks, LLC/Red Rock Bicycle, applicant.

The Planner showed the route map for the event and stated the “Tour de St. George” has been running since 2005. The planning commission reviewed this item in 2005, 2006, 2009, 2010 & 2011. This is a combined youth & adult ride. The spring event will be held Saturday, April 14, 2012 and the fall event will be held October 2, 2012. This is a 100-mile recreational bicycle ride, with approximately 300-400 riders. It is a one-day event starting in St. George. They will be doing a loop from St. George up Highway 18 to Veyo then back via the road from Veyo to Gunlock and Highway 91 back to St. George. Therefore, the route will impact some county roads. There will be three (3) sanitary facilities at each rest station. The organizers have taken care of all the community approvals. The County Sheriff will need to be notified of this event and the County has previously been listed as a beneficiary on the liability insurance policy. There have been no complaints on this event. The commission considered granting permanent status approval on this event last year, although it was not an actual part of the motion.

Margaret Gibson stated she coordinates all of the events for Spin Geeks. Currently, they have nine events that take place throughout the year. She reported on the “Tour de St. George” event and how the route is laid out. She explained the route for the fall event indicating it is a different route and they do not go on Old Highway 91 to Gunlock. She noted this is not a charity run but they do have a charity ride “Spokes for Hope” to benefit the DOVE Center later in the year. It is an all women’s’ ride. She corrected the date for the October ride. It will be October 20, 2012 not on the 2nd. She gave statistics on the riders who come to these events noting they come from areas throughout the state between Salt Lake and Las Vegas to ride. They have a few who come from other areas as well.

A discussion on the routes, riders along the road, and signage along the route occurred.

Motion: Commissioner Balen **MOVED** to recommend the County Commission approve the Conditional Use Permit Extension for the “Tour de St. George” spring event to be held April 14, 2012 and Fall event October 20, 2012. The route will loop from St. George up Highway 18 to Veyo then back via the road from Veyo to Gunlock and Highway 91 back to St. George; Spin Geeks, LLC/Red Rock Bicycle, applicant. Commissioner Christopher **SECONDED**. The motion carried with all six (6) Commissioners voting in favor.

This item will go before the County Commission on February 21, 2012 for consent.

VI. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on February 7, 2012; County initiated.

The Planner reported on the Staff meeting held February 7, 2012, which are as follows:

ACTIONS OF THE LAND USE AUTHORITY STAFF MEETING
February 7, 2012

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District; Tina Esplin, Washington County Water Conservancy District; and Robert Beers, Southwest Utah Public Health Department.

Excused: Ron Whitehead, Public Works; Director Paul Wright, Department of Environmental Quality; and Becky Marchal, Questar Preconstruction Specialist;

CONDITIONAL USE PERMIT EXTENSIONS:

A. Request permission to construct an accessory dwelling as a part of a detached garage (casita), within the RE-40.0 zone, Canyon Trails, Phase 2, Lot 20, Dammeron Valley, Utah. Paul and Ardeth Eastvold, applicant and Thomas Prehal, agent.

This is the 2nd extension. Once again, no permit has been issued and no site or house plan was found, so the building department staff determined that the applicant has picked them up. As previously reviewed, the applicant has requested an accessory dwelling within a garage structure, which is located at 1587 N. Canyon Trails Dr., in Dammeron Valley. The applicant had submitted a site plan and a floor plan to be reviewed by the building staff. The septic permit is approved for the main dwelling and is adequate for the 1 bedroom added in the accessory dwelling, which was obtained from the Southwest Utah Public Health Department. This meets the criteria set forth for accessory dwelling units and the casita portion is less than 900 square feet. **The staff granted an extension of the Conditional Use for another year, whereas, the initial work that went into applying for the conditional use should be enough to keep the permit active, subject to review of the floor plan during the permit process by the Department of Building Safety.**

B. Review extension to construct a 2nd dwelling for a family member on 20 acres, within the OST-20 zone west of Enterprise. Jeff T. Jacobsen, applicant.

The planner advised that this is the 5th extension and the applicant previously met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and quantity and quality of water from a private well. Dwellings are conditionally approved within the OST-20 zone, with this property containing a total of 20 acres. The property is accessed from Hwy 144 to the Old Hebron Road. The Building Official Kurt Gardner explained that the applicant was working on the sheet rock and progress was moving slowly. The Department of Building Safety extended the building permit for an additional six (6) months in November 2011. The applicant has completed all life safety issues and has moved in. There are approximately two inspections left prior to completion. **Staff felt there should be no problem in granting an extension for the period of one (1) year.**

C. Request permission to construct a single family dwelling within the OST-20 zone generally located east of Hop Valley on Lower Kolob Terrace. Hank Landau, agent.

This is an automatic annual review and the applicant previously met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and quantity and quality on a private well. As previously reviewed, the property is accessed from Kolob Road, generally located east of Hop Valley. The site plan meets all setback requirements and single family dwellings are conditionally approved within the OST-20 zone. This parcel was created prior to 1972 having grand father status, containing 7+ acres, showing proof of deed. The engineer showed contours on the site plan and survey taking into consideration the Washington County Hillside Ordinance and slopes seemed to be less than 20%. The survey shows frontage asphalt is 22' in width, with a possible 100' width non dedicated, non improved prescriptive use. Applicant will be utilizing existing gravel access road into the property. Fire suppression will be looked at during the building permit phase, following the guidelines of the Wildlands Urban Interface Code. The building permit (#6268) has been issued and a shear wall inspection was completed on February 1, 2012. **Staff agreed to extend the Conditional Use Permit was approved for the period of one (1) year.**

Staff reviewed four (4) Conditional Use Extension items to be reviewed by the Planning Commission on their regular agenda. The review for a Conditional Use Permit for a Bed & Breakfast within the RA-1 zone SVES-1-7-NS was not approved for Planning Commission review, whereas, the applicant Kathryn Stoner will pursue annexation to the Town of Leeds.

VII. MINUTES. Consider approval of the minutes of the regular Planning Commission meeting held January 10, 2012.

The Commission discussed corrections that needed to be made to the minutes.

Motion: Commissioner Ford MOVED to adopt the Minutes of January 10, 2012 with corrections discussed. Commission Christopher SECONDED. The motion carried with all six (6) Commissioners voting in favor.

VIII. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items; County initiated.

The Planner reported on items on the County Commission agenda of January 17, 2012 from the Planning Commission that was approved as follows: (a) Amendment to the Washington County General Plan by adopting a Community Plan for Pintura, Affordable Housing, and the Private lands portion (Section 7) of the General Plan; County initiated. (b) Extension to install the UNEV petroleum pipeline using the IPP/Kern River corridor for a fuel transmission line running through Washington County northeasterly to southwesterly; Trevor Townsend, applicant/agent. (c) Conditional Use Permit Extension for the "IRONMAN" St. George Triathlon to take place in Washington County on May 5, 2012; Jeff Gardner, agent. (d) Conditional Use Permit Extension for the Utah Summer Games Triathlon to be held on June 16, 2012. The event will begin at Gunlock Reservoir and end at the Snow Canyon High School, traveling on County Road Old Highway 91; Jeff Gardner, applicant. (e) Conditional Use Permit Extension to locate four (4) wind towers on State Land near Anderson Junction; Jerry Eves/Southwest Wind Energy, applicant. (f) Conditional Use Permit to operate an Ag. Business on the J&J Guest Ranch for a petting zoo, fishing pond, group parties, and weddings on 58 acres within the A-20 zone near New Harmony; Kendall Prisbrey, applicant.

VIII. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

The planner informed the commission Julie Cropper has indicated that due to health issues, she can no longer continue on the commission as a full time member but would be willing to be an alternate on an as needed basis. Therefore, if Commissioner Jones is willing to be a full time member he will take her place; otherwise, a replacement would be appointed. Commissioner Jones accepted the appointment as a full time member for the three year period. This appointment will go before the County Commission at their February 21, 2012 meeting for ratification.

Chairman Wilson asked about the status of the Lonnie Truman Subdivision. The planner informed him that the Truman's have not been back with their new site plan showing the cul-de-sac. They may just leave the property as is with no additional improvements but what they have already had approved.

The planner reported that Rachelle Ehlert, County Deputy Attorney, has prepared a document on private cemeteries/family burial grounds for the Commission to review and discuss. The commission briefly discussed the cemeteries and family burial grounds.

Ms. Ehlert explained how the information was gathered. She stated the County Commissioners are leaning towards no regulations at all. They have indicated they want minimal regulations. Based on that, we looked at two examples from Utah County and one from a County in Idaho. The commissioners are reluctant to do anything on mausoleums or columbarium's for cremated remains; they only want to deal with actual human remains. Commissioner Stucki asked a few questions on privacy and setback issues. He stated he liked the way the document was written, it is not capricious. Chairman Wilson stated concerns he had regarding Native American burials, protection of neighbors, and burial records. He would like the information recorded with the property to protect the bodies and the future occupants of the area. This Item will be on the agenda for the March meeting with changes that were discussed.

Commissioner Balen moved to adjourn the meeting at 2:38 p.m.

Doreen Bowers-Irons, Planning Secretary
Approved: 13 March 2012